



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

**CM/ECF ADMINISTRATIVE GUIDE
OF POLICIES & PROCEDURES**

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I. INTRODUCTION

It is the policy of the United States District Court for the Northern District of Oklahoma to require attorneys and other permitted registrants to file papers with the Court electronically over the Internet except as may be stated in these policies. Parties will be able to view dockets and most documents electronically through the PACER system, regardless of their participation in the Electronic Case Filing (ECF) System. LCvR5.1 and LCrR49.1 authorize electronic case filing in accordance with Fed. R. Civ. P. 5(e) and Fed. R. Crim. P. 49(d). The following policies and procedures govern electronic filing in this District unless, due to circumstances in a particular case, the assigned judge determines that these policies and procedures should be modified.

II. GENERAL POLICIES

- A. In accordance with General Order 05-08, electronic filing through CM/ECF is mandatory unless otherwise permitted by these policies and procedures or unless otherwise authorized by the assigned judge.
- B. Electronic transmission of a document to the ECF System consistent with this guide, together with the transmission of a Notice of Electronic Filing (NEF) from the Court (with the exception of sealed documents for which an NEF is not transmitted), constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed.R.Civ.P. 58 and 79. Emailing a document to the Clerk's office shall not constitute "filing" of the document.
- C. When a document has been filed electronically, or filed conventionally and imaged by the Court, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.
- D. Filing a document electronically does not alter the filing deadline for that document. ECF registrants may file papers 24 hours a day, seven days a week. Filing must be completed before midnight Central Standard Time (CST) in order to be considered timely filed that day. If the assigned judge has ordered the pleading or other paper to be filed by a time certain, it must be filed by that time.

III. ELIGIBILITY

- A. **Attorneys.** Attorneys admitted to the bar of this Court, including those admitted *pro hac vice* and those authorized to represent the United States, must register as CM/ECF Users. The Court will issue Passwords only to attorneys in good standing. Even if an attorney is already a registered CM/ECF user in another district, this Court requires a unique local account and an attorney must register for an account specific to this Court in accordance with these Policies and Procedures.
- B. **Pro Se.** As a matter of routine practice, approved litigants proceeding *pro se* will not be authorized to file electronically. If the Court permits, a *pro se* party to a pending civil action may register as a CM/ECF User solely for purposes of the action. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a CM/ECF User upon the attorney's appearance.

IV. REGISTRATION

- A. Registration shall be on a form prescribed by the Clerk. Complete and sign an ECF Registration Form AT-07, available as a fillable form on the Court's website at www.oknd.uscourts.gov.
Note: The registrant may request assignment of the User Login utilized in another federal court, but a random Password will still be assigned. Signed original ECF Registration Forms shall be mailed, faxed, emailed, or delivered to the Clerk's Office.
- B. Registration as a CM/ECF User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure. The email address in CM/ECF will be the address required by Fed. R. Civ. P. 5, Fed. R. Civ. P. 77(d), and Fed. R. Crim. P. 49 for service. With the exception of sealed efilings, transmission through the ECF System to that email address of a Notice of Electronic Filing will constitute service. The registrant may also provide two (2) additional email addresses to which courtesy copies of ECF notices will be sent. To confirm that the Clerk has correctly entered a registrant's Internet email address in the ECF System the Clerk will send the registrant an Internet email message.

V. CHANGE OF CONTACT INFORMATION

If any of the information listed on the original ECF Registration Form AT-07 changes, you should complete and sign an official Attorney CM/ECF Information Update Form AT-08, available as a fillable form on the Court's website at www.oknd.uscourts.gov. Return the Update Form in the same manner as the Registration Form. In addition, you may update most of your personal information using the CM/ECF Utilities menu (changes to firm information cannot be updated by the user through CM/ECF).
Note: Users are still required to file and serve a notice of the change in each of their open cases if appropriate.

VI. PASSWORDS

- A. Once registration is completed, the CM/ECF User will receive notification of the User Login and Password by regular, first-class mail.
- B. After receiving the User Login and Password from the Court, the registrant may begin filing papers electronically and may change his or her Password as necessary using the CM/ECF Utilities menu.
- C. The combination of the User Login and Password will serve as the registrant's official signature for purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and any applicable statute or regulation of the United States.
- D. No registrant shall permit the User Login and Password to be utilized by anyone other than persons specifically authorized by the registrant. Once registered, the registrant is responsible and accountable for all documents filed with that User Login and Password.
- E. Users agree to protect the security of their Passwords and immediately notify the clerk if they learn that their Password has been compromised. If a Password is believed to be compromised, the registrant must immediately notify the Clerk's Office by telephone at (918) 699-4844, toll free at (866) 213-1957, or by email at CM-ECFIntake_OKND@oknd.uscourts.gov and change the Password immediately using the CM/ECF Utilities menu.

VII. CONVENTIONAL FILING OF DOCUMENTS

- A. The Court still requires that some types of documents be filed conventionally (in paper). The Court will keep the paper copy of any document filed conventionally and imaged for a short period of time to ensure the scanned image is legible.
- B. The following documents are typically filed conventionally and then scanned by the Court:
 - 1. Initiating Documents in Criminal and Magistrate Cases.
 - 2. Documents filed by Pro Se Litigants and other non-CM/ECF Users.
 - 3. Documents filed in sealed cases (no public access to document).
 - 4. Other Filings where the assigned judge grants permission to file documents conventionally.
- C. The following documents are typically filed conventionally, not imaged, but maintained in paper format by the Court:
 - 1. Original State Court Records and Transcripts in Habeas Matters.
 - 2. Items that cannot be converted to PDF documents (e.g., video tapes, cd's, blueprints, etc.)

VII. GENERAL RULES OF SERVICE

- A. The Notice of Electronic Filing (NEF) that is automatically generated by the Court's Electronic Filing System constitutes service of the filed document on CM/ECF Users (with the exception of sealed efilings, where no NEF is distributed). Parties and/or attorneys who are not CM/ECF Users **must** be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and the Local Rules.
- B. The filing attorney **must** manually serve sealed documents since CM/ECF will not distribute the NEF or allow public access to sealed documents.
- C. A Certificate of Service **must** be included with all documents filed, indicating how service for each party was accomplished (through the NEF or by manual service, such as mail, hand delivery, etc.). The Certificate of Service Form AT-02 is available on the Court's website at www.oknd.uscourts.gov.
- D. Counsel may serve by email any electronically filed document that requires manual service, if the recipient has consented to such service in writing.
- E. NEFs/Court Orders will continue to be transmitted to an attorney whose party has been terminated in a case until that attorney notifies the Clerk's Office in writing to stop such service.
- F. Fed. R. Civ. P. 6(e) and Fed. R. Crim. P. 45(c) apply to service by electronic means.

VIII. TITLES OF DOCUMENTS

- A. To the extent possible when creating a document to be filed, the party should use the correct title that matches one of the CM/ECF event titles prescribed by the Court. The CM/ECF event categories and titles are contained in the ECF Event Lists, which can be found on the Court's website at www.oknd.uscourts.gov.

- B. Do not file a document that contains multiple CM/ECF events that should be filed as separate documents (e.g., Answer and Counterclaim, Motion and Response, Witness and Exhibit List, etc.). You may file a document with multiple parts (e.g., multiple motions, multiple responses, etc.).

IX. HYPERLINKS

- A. Hyperlinks are allowed in documents filed with the Court only for the purpose of providing a convenient mechanism for accessing material cited in the document.
- B. The judiciary does not exercise any responsibility over the content at its destination.
- C. Because the availability and location of the information on the Internet is still highly volatile, the functioning of a hyperlink reference is not guaranteed.
- D. The hyperlink reference is extraneous to any filed document and is not part of the Court's record.
- E. In order to preserve the integrity of the Court's record, attorneys wishing to insert hyperlinks in court filings should continue to use the traditional citation method for the cited authority, in addition to the hyperlink.
- F. Pursuant to General Order 05-11, hyperlinks are only permissible for legal references and citations and are not to include advertisements. The Court Clerk is directed to strike any pleading which contains an inappropriate hyperlink.

X. REDACTION

- A. Local Rule 5.3 requires filers to omit or, where inclusion is necessary, partially redact personal data identifiers from all electronically filed pleadings, papers, and exhibits, unless otherwise ordered.
- B. **Unredacted Documents.** A filer may file under seal a document containing the unredacted personal data identifiers or file a reference list without requiring a specific court order if said document indicates in the heading or style that it is an "UNREDACTED VERSION OR REFERENCE LIST pursuant to Local Rule 5.3."
- C. **Responsibility to Redact.** The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk will not routinely review documents for compliance with this rule, seal documents containing personal data identifiers, or redact documents.

XI. SIGNATURES

A. Filing Attorney Signature

1. The User Login and Password required to submit documents to the Electronic Filing System serve as the CM/ECF User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.
2. Electronically filed documents must include a signature block and the name of the User under whose Login and Password the document is submitted must be preceded by an "s/" and

typed in the space where the signature would otherwise appear. See the following example for the proper format:

s/ Lawyer Name

Lawyer Name

[State abbrev.] Bar Number: xxxx (e.g. OK Bar Number: 12345)

Attorney for (Plaintiff/Defendant)

ABC Law Firm

xxx South Street

Tulsa, OK 74103

Telephone: (918) xxx-xxxx

B. Non-Filing Attorney Signature

1. Documents containing the signatures of non-Filing Attorneys (i.e., attorneys not registered for ECF or attorneys who are registered, but are not the filers of the documents) are to be filed electronically with the signature represented by an “s/” and the name typed in the space where a signature would otherwise appear, or as a scanned image. Such approval shall be indicated as follows:

s/ Plaintiff Attorney

s/ Filing Attorney

(Signed by Filing Attorney with permission of Plaintiff Attorney) or,

(Signed document bearing signature of Plaintiff Attorney is being maintained in the office of Filing Attorney)

2. The filing attorney is responsible for maintaining a record of when and how permission was obtained to sign the other attorney’s name until all appeals have been exhausted or the time for seeking appellate review has expired.
3. The filing attorney is required to obtain and maintain a paper version of the document signed by the other attorney. The filing attorney shall maintain the signed paper original of the document until all appeals have been exhausted or the time for seeking appellate review has expired.
4. The filing attorney may obtain original signatures, scan the signature page **only**, and file it as an attachment to the pleading or other paper. The filing attorney shall maintain the signed paper original until all appeals have been exhausted or the time for seeking appellate review has expired.

C. Non-User Signature

1. Documents that are required to be signed by persons who are not counsel of record (e.g., verified pleadings, contracts, affidavits, etc.) should be submitted in electronic format in any of the following ways, so long as the filer has and maintains the signed original until all appeals have been exhausted or the time for seeking appellate review has expired:
 - a. An electronic version of the document bearing “s/ (name)” can be filed along with a statement that the filer has the signed original, for example:

s/ Plaintiff Smith*

**I certify that I have the signed original of this document, which is available for inspection at any time by the Court or a party to this action.*

s/ Filing Attorney

- b. An electronic version of the document bearing “s/ (name)” can be filed with a scanned image of the signature page as an attachment.
 - c. If the document containing original signatures is not digitally available, it may be scanned and filed electronically.
2. Anyone who disputes the authenticity of any signature must file an objection to the pleading or other paper within ten (10) days of service.

XII. EXHIBITS, ATTACHMENTS & APPENDICES

- A. CM/ECF Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits conventional filing. Exhibits, attachments, and appendices should be filed as attachments to the referenced pleading whenever possible, rather than as separate filings, and shall be clearly labeled with the appropriate exhibit number.
- B. Exhibits, attachments and appendices may be filed as individual attachments (e.g., Exhibit 1, Exhibit 2, etc.), or combined in one attachment (e.g., Exhibit 1-5, Attachments 1-8, etc.), as long as the five (5) megabyte file size limitation is observed. **Note:** Total filing size should not exceed twenty (20) megabytes.
- C. CM/ECF Users must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. CM/ECF Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document.
- D. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.
- E. The Court may require parties to file additional excerpts or the complete document.

XIII. PROPOSED DOCUMENTS

(**Note:** This section includes Orders, Judgments, and Documents to be issued by the Court.)

- A. All proposed documents shall be emailed to the Clerk via the designated mailbox at CM-ECFIntake_OKND@oknd.uscourts.gov rather than being efiled as an attachment to a document.
- B. All proposed documents must refer to the docket entry number for the motion, if applicable.
- C. All proposed documents shall be in a format compatible with WordPerfect, which is a “Save As” option in most word processing software; proposed orders in .pdf format will not be accepted.

XIV. COURT ORDERS

- A. All court orders shall be filed in electronic form. This will constitute entry on the docket kept by the Clerk under Fed.R.Civ.P. 58 and 79.
- B. Any order or other court-issued document filed electronically without the original signature of a judge or Clerk has the same force and effect as if the judge or Clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.
- C. Orders may also be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding.
- D. When mailing or faxing a copy of an electronically filed order to a party who is not a registered participant of the ECF System, the Clerk will include the Notice of Electronic Filing (NEF) to provide the recipient with proof of filing.

XV. PUBLIC ACCESS

- A. Electronic access by the public to the electronic docket and documents filed in the ECF System is available at no charge at the Clerk’s Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. §1914.
- B. Remote electronic access to the ECF System is limited to subscribers to the Public Access to Court Electronic Records (PACER) system. The ECF system is routinely available 24 hours a day, 7 days a week.
- C. Regarding access of social security cases, Internet access to the individual documents will be limited to the case participants. This policy is based on Judicial Conference Committee recommendations. Docket sheets, however, will be available over the Internet to non-parties, who will continue to have direct access to the documents on file at the Clerk’s Office.
- D. Administrative Records and Unredacted Transcripts (until the redaction time period has expired) cannot be viewed through PACER, but can be viewed and/or copied at the Clerk’s office.
- E. Documents in sealed cases and sealed documents in public cases cannot be viewed.

XVI. FEES

The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing detailed case information, such as filed documents and docket sheets. Such fees do not apply to the initial viewing of a document served via a Notice of Electronic Filing (NEF).

XVII. FILE SIZE LIMITATIONS

As the ECF System automatically rejects filings that are greater than five (5) megabytes, documents that exceed five (5) megabytes when converted to electronic form must be broken up into separate documents. No single efile (including both the main document and attachments) should exceed twenty (20) megabytes. The system will not reject filings over the twenty (20) megabyte limit, but the system will often “time out” requiring you to start the efile process over.

XVIII. FILING ERRORS

- A. Once a pleading or other paper is submitted and becomes part of the case, the ECF System will not permit the filer to change the pleading or other paper or the docket entry.
- B. Filers should make every effort to ensure that they do not file a pleading or paper other than the one intended to be filed, that it is filed in the correct case, and that it does not contain information that should have been redacted or filed under seal.
- C. The Clerk's Office should be immediately notified of any mistakes by telephone at (918) 699-4844 or by email at CM-ECFIntake_OKND@oknd.uscourts.gov. The notifier should provide the Clerk's Office with the case number, docket number, and a description of the erroneous entry. The filer may file a motion to withdraw, but should not file the replacement document unless directed to do so.

XIX. REFUND OF ELECTRONICALLY PAID FEES

- A. **Background.** The Judicial Conference generally prohibits refunds of fees due upon filing, even if a party filed the case in error, or the court dismissed the case or proceeding. This policy remains in effect. However, the Judicial Conference allows limited refund authority related specifically to electronic payments and has provided guidance to the courts in addressing such errors.
- B. The authority to approve a refund has been delegated by the Court to the Court Clerk. The Court will refund a fee paid electronically by a CM/ECF User when the CM/ECF User has used CM/ECF to pay by credit card and the fee was paid erroneously in the following situations:
 - 1. A fee payment was erroneously submitted two or more times related to the submission of a single document.
 - 2. A fee was paid when no fee was due (i.e. when no document was attached to a submission, or the submission did not require payment of a fee).
- C. Requests for refunds should be made by motion using the motion for Refund of Fees Paid Electronically event (Civil or Criminal) in CM/ECF.
- D. Refunds will only be issued to the credit card that was originally charged.
- E. If a CM/ECF User makes an erroneous filing for which a fee payment was submitted, but the fee has not yet been fully processed, the Court may correct the erroneous filing administratively and void the payment without the need to file a motion.
- F. If a CM/ECF User continues (or CM/ECF Users from the same firm continue) to make repeated mistakes when submitting fees electronically, the Court may consider remedial action, such as issuing an order to show cause why further requests for refunds should be considered.

XX. TECHNICAL FAILURES

- A. Court's ECF System.** A technical failure exists when the ECF System is unable to accept filings continuously or intermittently over the course of any period of time greater than two (2) hours after 12:00 p.m. that day. Check the Court's website for postings regarding any scheduled or other ECF System outages or downtimes. Should a filing be made untimely as the result of a technical failure of the Court's ECF System, the filer may seek appropriate relief from the assigned judge.
- B. Filer's System.** Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures or excuse an untimely filing. Upon a showing of good cause, the assigned judge may grant appropriate relief for an untimely filing. Electronic filers may, during regular business hours, scan and efile their document from the public scanning terminal located in the Clerk's Office.

XXI. SUPPORT

- A. For technical problems you should first contact the Pacer Service Center at 800-676-6856.
- B. If the Pacer Service Center is unable to provide the information needed contact the Clerk's office CM/ECF help desk line at 918-699-4844 or toll free at 866-213-1957 during regular business hours (8:30 a.m. - 4:30 p.m., Monday - Friday).

XXII. MODIFICATIONS AND AMENDMENTS OF ECF SYSTEM PROCEDURES

The assigned judge may modify these procedures in specific cases without prior notice, if deemed appropriate. The Court may also amend these procedures at any time without prior notice. Modifications and amendments to ECF System procedures will be posted on the Court's website at www.oknd.uscourts.gov.